IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 1484 of 2005

Between:

V.Muralidhar, S/o.V.Chandra Sekhara Rao,
E.NO.44035, R/o.Kalyandurg,
Ananthapur District.

... PETITIONER

AND

1 The Depot Manager, APSRTC, Kalyandurg Depot, Kalyandurg,

Ananthapur District.
2 The Divisional Manager, APSRTC, Ananthapur Division,

Ananthapur.
3 The Regional Manager, APSRTC, Ananthapur Region,

Ananthapur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ, declaring the proceedings No.02/95(10) 2000 dt. 24-1-2001 of the 1st respondent, proceedings No.PA/19(60)/03 DVM-A dated: 23-7-03 of the 2nd respondent and proceedings No.PA/675/06/04. RM-A dated: 30-3-2004 of the 3rd respondent as illegal, arbitrary, in violation of principles of natural justice and in violation of Art. 14 and 21 of the Constitution of India.

Counsel for the Petitioner: S.SURENDRA KUMAR

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court, at the admission stage, made the following:

ORDER:

Alleging that petitioner had altered the tickets, a chargesheet was issued to the writ petitioner on 07-03-2001 calling for his explanation. The writ petitioner gave his explanation stating that he has not committed any irregularities. Not satisfied with the explanation submitted by the writ petitioner, the Disciplinary Authority imposed a penalty of deferment of one annual increment with cumulative effect by its proceedings dated 24-05-2001, against which petitioner preferred appeals before the second and third respondent, but the same was rejected. Questioning the same, the present writ petition is filed.

2. Learned counsel appearing for the writ petitioner contended that imposing a major penalty for the said irregularities, is illegal and since the incident in question has taken place about three years back, instead of remitting the matter to the Disciplinary Authority, he prays to add one annual increment to the pay of the petitioner.

3. For certain irregularities said to have been committed by the writ petitioner, a chargesheet was issued to him and an explanation was called for. After considering the explanation offered by the petitioner, a penalty of deferment of one annual increment with cumulative effect was imposed on him. There cannot be any dispute that imposing the penalty of deferment of one annual increment with cumulative effect is a major penalty. Though it is a matter to be remitted back to the Disciplinary Authority for appropriate decision, as the incident in question took place about more than three years back and the writ petitioner also prayed to add one annual increment to his pay, therefore, considering the facts and circumstances of the case, minor penalty can be imposed on the petitioner.

In the result, the writ petition is disposed of modifying the penalty passed by the Disciplinary Authority to that of deferment of one annual increment without cumulative effect. In the circumstances, no costs.

K.C. BHANU, J

February 3, 2005

MRR

Copy to:

1 The Depot Manager, APSRTC, Kalyandurg Depot, Kalyandurg,

Ananthapur District.
2 The Divisional Manager, APSRTC, Ananthapur Division,

Ananthapur.
3 The Regional Manager, APSRTC, Ananthapur Region,

Ananthapur.

4 Two C.D. Copies.